

**United States House of Representatives**  
**HOUSE COMMITTEE ON RULES**



**Views of the Democratic Members of the**  
**House Rules Committee**

*In Support of the Creation of an Independent  
Commission on Hurricane Katrina*

---

*In Opposition to H. Res. 437, the Resolution Creating a  
Partisan Hurricane Katrina Select Committee*

Compiled by the House Rules Committee Democrats  
**The Honorable Louise M. Slaughter, Ranking Member**

## **MINORITY VIEWS**

We oppose this resolution, H. Res. 437, in the strongest possible terms. We feel it is an inadequate, tone-deaf response to an immense national tragedy. It will do little or nothing to restore Americans' badly shaken confidence in their government's ability to protect them from future natural disasters or terrorist attacks.

### ***1. "A National Disgrace"***

On August 27, 2005, the National Hurricane Center upgraded Tropical Storm Katrina to a Category 1 hurricane and forecast that the storm would be "a dangerous hurricane in the northeastern Gulf of Mexico in about three days." True to this prediction, Hurricane Katrina, which in the interim had developed into a Category 4 hurricane over the open waters of the Gulf of Mexico, hit the Louisiana coast near New Orleans on the morning of August 29, 2005. Later that morning, the storm's force breached the 17<sup>th</sup> Street Canal levee and flooded a large part of the City of New Orleans and portions of Jefferson and St. Bernard Parish.

As each day passes, it becomes clearer that our federal government's emergency response system was not up to the job of dealing with this natural disaster as it unfolded in the final days of August 2005. During the days leading up to Katrina's landfall and the first few days of flooding, the federal government's multi-billion-dollar homeland security and emergency response apparatus failed the people of Alabama, Mississippi, and Louisiana in their time of greatest need.

In spite of numerous studies and planning exercises conducted both inside and outside the government that predicted dire consequences if and when a powerful hurricane hit the Gulf Coast, the White House, the Department of Homeland Security (DHS), and the Federal Emergency Management Agency (FEMA) were flat-footed and unprepared for these events. The costs of their failure are so high they may be difficult to ever truly calculate--- hundreds, perhaps thousands, of American lives, billions of dollars in property losses, a destroyed transportation and communication infrastructure in a major urban area, and extensive environmental damage to the Gulf Coast region.

Although President Bush declared a state of emergency in Louisiana as early as August 27<sup>th</sup>, his FEMA director, Michael Brown, only got around to requesting the deployment of federal emergency workers to the region on August 29<sup>th</sup>, hours after the 17<sup>th</sup> Street levee had been breached. Secretary Chertoff, who as head of DHS had responsibility for the overall preparedness and response effort, did not seem to know that the City of New Orleans had flooded until sometime late Monday or Tuesday morning---almost 24 hours after the levees had broken---and then waited another two days to declare Hurricane Katrina an "Incident of National Significance." As the floodwaters covered New Orleans with up to 20 feet of water in some places, President Bush continued his relaxed summer schedule, which included presenting a birthday cake to Senator John McCain and strumming a guitar with country singer Mark Willis.

Responsibility for this debacle is not limited to a few high-profile executive branch officials, however; the current structure of our emergency preparedness system is the product of Congressional legislation. Congress not only created the current disaster response structure within DHS, but it also has an ongoing obligation to oversee this agency and the many legacy agencies like FEMA it put under the aegis of DHS. Moreover, Congress oversees and authorizes the spending for the Army Corps of Engineers, the Department of Transportation, and other federal agencies whose action or inaction contributed to the Katrina disaster. The aftermath of Katrina was not only a failure of executive leadership, it was also a failure of the legislative branch to hold the executive branch accountable for its conduct. As congressional scholar Norman Ornstein commented last week: “the performance of the federal government in the Hurricane Katrina disaster--the policy wing of the federal government, not the dedicated employees--has been abysmal.”

## ***2. An Independent Commission is Necessary to Restore the American People's Confidence in Our Nation's Disaster Response System***

The last time our country endured a large-scale disaster, in that case a disaster caused by terrorists intent on harming our country rather than a meteorological event, Congress wisely stepped aside and allowed the independent, bipartisan 9/11 Commission to investigate the circumstances and the lessons of the 9/11 attacks. Through public hearings and painstaking evidence-gathering, the ten members of the 9/11 Commission were able to help us understand the events of that day and recommend policy changes our government could take to protect Americans from such attacks in the future. Adopting a tone different than the usual partisan finger-pointing, the 9/11 Commission played an important role in helping our nation heal from that disaster, while also providing a number of constructive ideas for reform.

We feel that the magnitude of the recent Katrina disaster, and the obvious failure of our government to properly prepare for and respond to it, demands a thorough, independent investigation like the one undertaken by the 9/11 Commission. Even in the early days of this disaster, as many New Orleans residents remained trapped without food or water in their homes or in the Superdome, politicians were already trading charges and accusations in what the President quickly dubbed the “blame game.” We believe an investigation conducted by these very same politicians will have inherently less credibility with the American people than an independent investigation.

If our country is to learn the lessons this disaster can teach us about emergency preparedness and response, and if we really want to prevent the unnecessary human suffering that occurred in the past few weeks from happening in a future natural disaster or terrorist attack, Congress should again step aside and allow an independent commission to uncover what happened and let the political chips fall where they may. Nothing less will restore Americans' badly shaken confidence that their government can protect them in times of emergency. Former Republican Senator Slade Gorton, who

served on the 9/11 Commission, recently observed that “in Congress, this issue has already become a political football...If we’re really going to learn anything from this new catastrophe, that’s much more likely to happen through an objective look.”

Because we feel that an independent, bipartisan commission is the appropriate way to investigate this tragedy, we oppose this resolution establishing a majority-controlled Select Committee to investigate the apparently system-wide failures of the Bush Administration’s disaster response system. We question whether such a committee would conduct the serious, thorough, and credible investigation the Katrina disaster demands; and, even if the committee conducted such an investigation, we question whether the American people would accept its conclusions. We find it hard to believe that a Republican Congress that has expressed so little interest in overseeing the past failures of the Bush White House could suddenly find the courage to investigate what is likely to be remembered as this Administration’s biggest failure.

The American people appear to agree with us that an independent commission is the best way to figure out how this tragedy was allowed to happen and recommend how we can improve the government’s disaster response system in the future. According to a Washington Post-ABC News poll released this week, 76% of Americans think an independent commission should investigate the government’s response to Hurricane Katrina. Even 64% of Republicans interviewed for the poll prefer an independent investigation to a congressional investigation. We think these poll results reflect the depth of the shock and sorrow Americans felt as they watched the events of the past several weeks unfold. We think they reflect Americans’ desire to get beyond the political squabbling and get to the bottom of this national tragedy.

Unfortunately, the Republican-controlled Select Committee proposed in H. Res. 437 does not convey this sense of urgency. Instead, the Republicans have put forward what they call the “standard” select committee structure Congress has used over the years to investigate political scandals. They seem to miss the obvious point that the events of the past few weeks are not the equivalent of a political scandal. They represent a national tragedy, during which our government appeared unable to safeguard the lives of hundreds of thousand of our fellow American citizens, especially the lives of our young and elderly fellow citizens who were least capable of protecting themselves.

### ***3. The Resolution is Not “Bipartisan” as the House Leadership Has Claimed.***

H. Res. 437 establishes a Select Committee to investigate the actions of local, state, and federal authorities before and during the Katrina disaster and report back to the House by February 15, 2006. It applies Rule XI of the standing House Rules to the Select Committee’s conduct of business. Most importantly, the resolution establishes a ratio of 11 Republican Members to 9 Democratic Members, which guarantees that the majority will be able to completely control the issuing of subpoenas and the scope of the investigation.

We find it truly astounding that the Majority continues to refer to this resolution as “bipartisan.” According to press reports, Speaker Hastert and Majority Leader Frist met several times early in the week of September 5<sup>th</sup> without Democratic leaders and then announced on Wednesday, September 8<sup>th</sup>, that they would be forming a “bipartisan” select committee. Ironically, no Democratic leaders were asked to attend this press event, although the Speaker’s office said it had been kind enough to “notify” Minority Leaders Pelosi and Reid of the announcement.

Since last week’s announcement, House Republicans have continued to tightly control access to this resolution. After waiting almost a week to share even an initial draft of a so-called “bipartisan” Hastert-Frist committee resolution with Democrats, the House leadership hurried the resolution through the Rules Committee, where they protected H. Res. 437 with a closed rule blocking floor amendments. When Ranking Member Slaughter tried to amend the rule so the House would have an opportunity to debate and vote on Representative Hastings of Florida’s independent commission alternative (H.R. 3764), Rules Committee Republicans rejected it on a party-line vote of 9 to 4. This Hastings proposal, which enjoys the support of more than 160 Members of the House, is based on the 9/11 Commission model. We find it hard to believe that jamming this resolution through the House in this partisan manner will help garner the broad public support the proposed select committee would need to conduct a credible investigation into the Katrina disaster. Simply labeling a resolution “bipartisan” does not make it so.

#### ***4. An Investigation in Which a Republican Congress Investigates a Republican White House Will Not Be Credible***

Over the past week, we have heard the Republican leadership regularly compare the select committee they are proposing in H. Res. 437 to the select committee the 100th Congress set up to investigate charges that the Reagan Administration had sold arms to Iran and had provided military assistance to the Nicaraguan Contras. This is a misleading and inaccurate analogy, because the Iran-Contra committee operated in an era when different parties controlled the legislative and executive branches. The Iran-Contra investigation was an inquiry conducted by a Democratic Congress into the actions of a White House run by a Republican President. The same dynamic operated in the investigations conducted by Republican-led House select committees into the activities of the Clinton Administration, such as 1998 investigation into technology transfer to China.

In those situations, the investigating Congressional committee had strong institutional and political incentives to conduct a rigorous investigation of Administration conduct. The interests of the American people in having a law-abiding White House aligned with the interests of Congressional leaders in asserting the power of the legislative branch and challenging the conduct of their rival political party which at that time controlled the executive Branch. The result was adversarial investigations that helped uncover the facts and restore the American people's faith in their government. This type of adversarial investigation exemplifies Woodrow Wilson’s maxim that the legislative branch has a

duty to “look diligently into every affair of government and to talk much about what it sees.”

We are quite skeptical that the current majority’s Katrina investigation would have the diligence and the energy Wilson envisioned for the Congressional oversight process. House Republicans have no institutional or political incentive to ask tough questions about the Bush Administration’s handling of Hurricane Katrina and then “to talk much about what it sees.” If possible, the Republican Congress has even less incentive to ask whether its own policies contributed to the federal government’s tragic failure to respond to the Katrina disaster in a timely and effective way. As Senator Reid quipped last week: “An investigation of the Republican administration by a Republican-controlled Congress is like having a pitcher call his own balls and strikes.”

Further fueling our skepticism about this process is the Republican Congress’ failure to hold the Bush White House accountable for any of its questionable behavior over the past five years. Neither the Republican majorities of the current Congress, nor those of the 107th or 108th Congresses, have shown any interest in conducting serious oversight of the Bush White House or the many federal officials and agencies that so richly deserve closer scrutiny. Since 2001, the legislative branch has abdicated its constitutional responsibility to make sure that the executive branch obeys the law and uses taxpayers’ money responsibly. As Rep. LaHood commented in a moment of unusual candor last year: “Our party controls the levers of government. We’re not about to go out and look beneath a bunch of rocks to try to cause heartburn.”

It is worth quickly reviewing some of the Administration’s rocks the Republican Congress has left unturned. It has never investigated who was responsible for concealing from the Congress the HHS chief actuary’s estimate that the 2003 Medicare legislation would cost more than a hundred billion dollars more than the White House was publicly stating. Nor has it investigated the role of top Bush campaign contributors in writing Vice President Cheney’s energy plan, or the numerous reports that industry lobbyists are writing and re-writing our country’s environmental regulations. It has not investigated the circumstances surrounding the outing of a covert CIA agent whose husband disputed the Bush Administration’s claims about Iraq’s nuclear weapons program and it has ignored the numerous reports of war profiteering by various companies in Iraq, including Vice President Cheney’s old company Halliburton. Congressional Republicans did not even bat an eyelash when the Special Inspector General for the Iraqi Reconstruction found that \$9 billion of Iraqi reconstruction money was missing. Perhaps most disturbingly, the Republican Congress has never investigated the military chain of command decisions that led to the mistreatment of U.S. detainees at Guantanamo and at Abu Ghraib prison in Iraq.

Given this track record, it is hard for us to have any faith that a Republican-controlled select committee would energetically delve into the numerous failures in the emergency response chain of command that occurred in the days leading up to and immediately after Hurricane Katrina made landfall. It is hard to believe the select committee proposed in H. Res. 437 would follow the facts if they led to embarrassing revelations about how the

Bush Administration mismanaged our government's emergency planning and response agencies. It is hard to believe this Select Committee would subpoena high Administration officials, such as Secretary Chertoff, much less Vice President Cheney or President Bush, and ask them the tough questions that would be necessary to get to the truth and ensure that the federal government will not fail the next time it is called in to manage a man-made or natural disaster or a terrorist attack.

The Bush Administration and the Congress have had four years to analyze and investigate the events surrounding the 9/11 disaster. They have spent billions of dollars reorganizing our government's homeland security and emergency preparedness systems. Given this effort and huge expenditure of taxpayer dollars, it is fair to ask why these systems functioned so badly in a time of national emergency. Commenting on the Katrina disaster, the Republican chairman of the 9/11 Commission, Thomas Kean, said: "What makes you so mad is that it's the same things we saw on 9/11. Whoever is responsible for acting in these places hasn't acted. Are they going to do it now? What else has to happen for people to act?" Mr. Kean and the American people are right to ask what the government has been doing over the four years since the 9/11 attacks to make them safer. And they have the right to honest answers to these questions, not answers produced as part of an effort to shift the blame on to other parties or to minimize the government's failure to respond to this natural disaster.

It is not surprising to us that the American people have very little confidence that the current Congress could conduct a credible investigation into the botched federal response to Katrina. As we noted above, a recent Washington Post-ABC News poll shows that three-quarters of Americans prefer an independent commission to a congressional investigation. They seem to share our opinion that the only credible investigation of the Bush Administration we have seen in the last 5 years was that of the bipartisan, independent 9/11 Commission. The work of that Commission is the only recent example the American people have of a vigorous investigation that followed the facts wherever they led, even if they led to criticism of the executive and legislative branches.

### ***Conclusion***

Newsweek magazine recently reported that President Bush did not appreciate the "reality" of the situation on the ground in the Gulf States until Thursday, September 1<sup>st</sup>, three days after Katrina hit the Gulf Coast. Judging from this resolution, we are not sure that House Republican leaders have yet fully comprehended the "reality" of this disaster. The reality is that hundreds of thousands of our fellow citizens have lost their homes, their personal effects, their jobs, their health insurance and everything else that made up their lives before the hurricane hit. The even more horrible reality is that hundreds, perhaps thousands of people, lost their lives in this disaster.

We find it amazing that the majority can still insist that Congress can address this tragedy through what they call the "standard" select committee process. We disagree. A disaster of this magnitude demands an extraordinary response that transcends the usual partisan divisions and rhetoric. We believe the select committee established by this resolution is a

weak, inadequate response to this massive breakdown of the federal emergency response process and strongly oppose it.